

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

David R. Carlson,

Petitioner,

v.

Civil No. 17-2144 (JNE/KMM)  
ORDER

Tom Roy, Commissioner,

Respondent.

Petitioner filed a petition under 28 U.S.C. § 2254 (2012). Respondent moved to dismiss the petition. In a Report and Recommendation (“R&R”) dated January 16, 2018, the Honorable Katherine Menendez, United States Magistrate Judge, recommended that Petitioner’s § 2254 petition be dismissed with prejudice as time-barred and that a certificate of appealability be denied. Petitioner filed objections and Respondent filed a response. Based on a de novo review of those portions of the R&R to which Petitioner objected, the Court accepts the conclusions of the R&R. *See* Fed. R. Civ. P. 72(b)(3); D. Minn. LR 72.2. Therefore, IT IS ORDERED THAT:

1. Respondent’s motion to dismiss [ECF No. 10] is GRANTED.
2. This action [ECF No.1] is DISMISSED WITH PREJUDICE.
3. A certificate of appealability is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 28, 2018

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge